



# **Fact Sheet: Region 5 Environmental Enforcement Results, FY 2001-2005**

## **Introduction**

Over fiscal years 2001-2005 Region 5 continued to play an essential role in protecting human health and the environment through administrative, civil judicial and criminal enforcement actions against regulated entities. This report examines five fiscal years of enforcement resolutions. It evaluates trends in environmental benefits, assessed penalties, injunctive relief and Supplemental Environmental Projects (SEPs). The reported environmental benefits, injunctive relief and SEP results are actions required by resolutions of enforcement cases during FY 2001 through FY 2005. Some of these required actions may not yet be completed. This report presents information gathered from the United States Environmental Protection Agency's Integrated Compliance Information System (ICIS) and other program-specific databases.

## **Environmental Benefits**

In order to protect human health and the environment, Region 5 continues to achieve environmental benefits in pollution reduction, prevention or elimination through resolution of enforcement matters. EPA Region 5's enforcement activities in fiscal years 2002 through 2005 resulted in legal commitments by companies, governments and other regulated entities to reduce, treat, properly manage, or prevent approximately 825 million pounds of pollution. See Figure 1 and Table 1. These resolutions also required in commitments for 42,904 people to receive cleaner drinking water, and for cleanup of over 4 million cubic yards of contaminated soil. See Table 1.

Through these settlements Region 5 is helping to ensure that the air we breathe is cleaner, the water we drink is safer, and contaminated land is remediated. To achieve these pollutant reductions, entities have committed to spend over \$6 billion dollars to correct violations, restore the environment and prevent future harm to human health and the environment.



Pollution Reduction in pounds

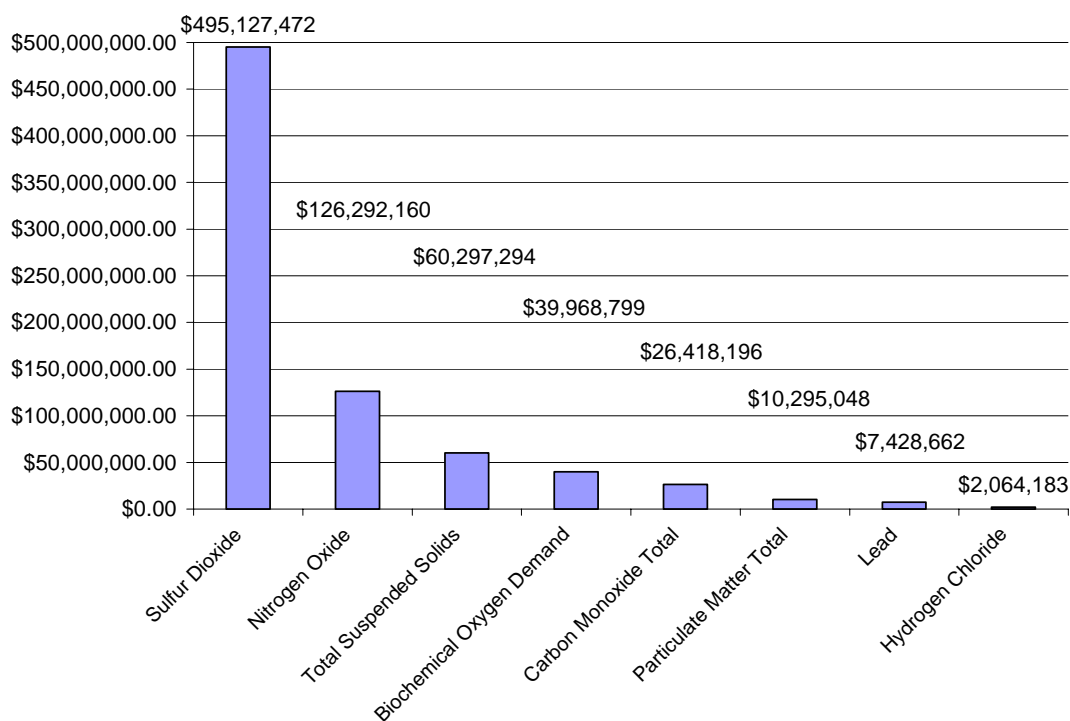


Figure 1: Region 5 largest cumulative pollution reduction amounts in lbs. required by federal enforcement case resolutions during, FY 2002 - FY 2005

Table 1: Estimates of Environmental Benefits from Region 5 Enforcement Actions				
Categories	FY 2002	FY 2003	FY 2004	FY 2005
Estimated Pollutants Reduced or Treated (lbs.)	44,900,000*	97,176,990	99,177,966	584,417,618
Estimated Contaminated Soil to be Cleaned Up (cubic yds.)	NC	6,257,222	1,314,287	3,399,349
Estimated Contaminated Water to be Cleaned-Up (cubic yds.)	NC	NC	4,497	9,344,682
Linear Feet of Stream Miles Mitigated (feet)	NC	NC	7,200	2,185
Wetlands Protected/Mitigated (acres)	NC	170	27	206
People Receiving Cleaner Drinking Water	NC	9,713	3,989	29,202

Table 1: Environmental Benefits in pollution reduction amounts (lbs.) contaminated soil clean up (cubic yards), linear feet of stream miles mitigated, wetlands protected (acres), and the number of people

receiving cleaner drinking water required by enforcement case resolutions in fiscal years 2002-2005. "NC" stands for not calculated.

\*FY2002 estimated value of pollutants reduced or treated is rounded to the nearest 100,000 lbs.

## **Injunctive Relief and Supplemental Environmental Projects (SEPs)**

EPA's approach in all enforcement actions is to seek appropriate injunctive relief to return violators to compliance and minimize or eliminate the potential for repeat violations by addressing the root causes of noncompliance. Injunctive relief represents the actions a regulated entity is ordered to undertake to achieve and maintain compliance. These actions may include 1) installing a new pollution control device, 2) preventing pollution, 3) remediating a site, 4) restoring a wetland, 5) instituting new maintenance measures and 6) requiring monitoring, auditing or recordkeeping. See Figure 1.

A Supplemental Environmental Project (SEP), on the other hand, is a condition of settlement that requires actions an entity agrees to undertake to protect human health and the environment, beyond what is required for compliance with the environmental laws. SEPs usually fall within one of the following categories, 1) public health, 2) pollution prevention, 3) pollution reduction, 4) environmental restoration and protection, 5) assessments and audits, 6) environmental compliance promotion or 7) emergency planning and preparedness. See Figure 3. A SEP may be in lieu of or in mitigation of a portion of the monetary penalty.

During fiscal years 2001-2005, US EPA Region 5 resolved 1,461 enforcement cases requiring the expenditure of more than \$5 billion for environmental cleanup and improvements. As conditions of settlement of 203 of these cases, Region 5 negotiated SEPs valued at of more than \$70 million dollars. See Figure 2. There was a substantial increase in both the number and total value of injunctive relief cases between 2001 and 2005. See Figure 3 and Table 2. These increases further a trend for each that began in 1993. The number of SEPs for FY 2001-FY2005 remain relatively constant. See Figure 4. The data on the dollar value of SEPs over the same period do not indicate any particular trend. See Table 2.

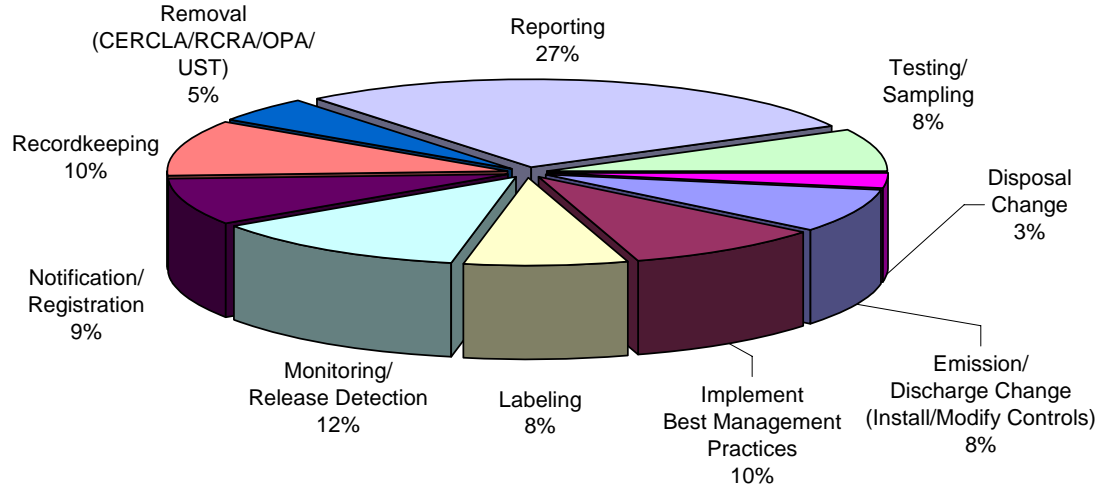


Figure 2: Region 5's Top 10 Types of Injunctive Relief, FY 2001 - FY 2005 (cumulative)

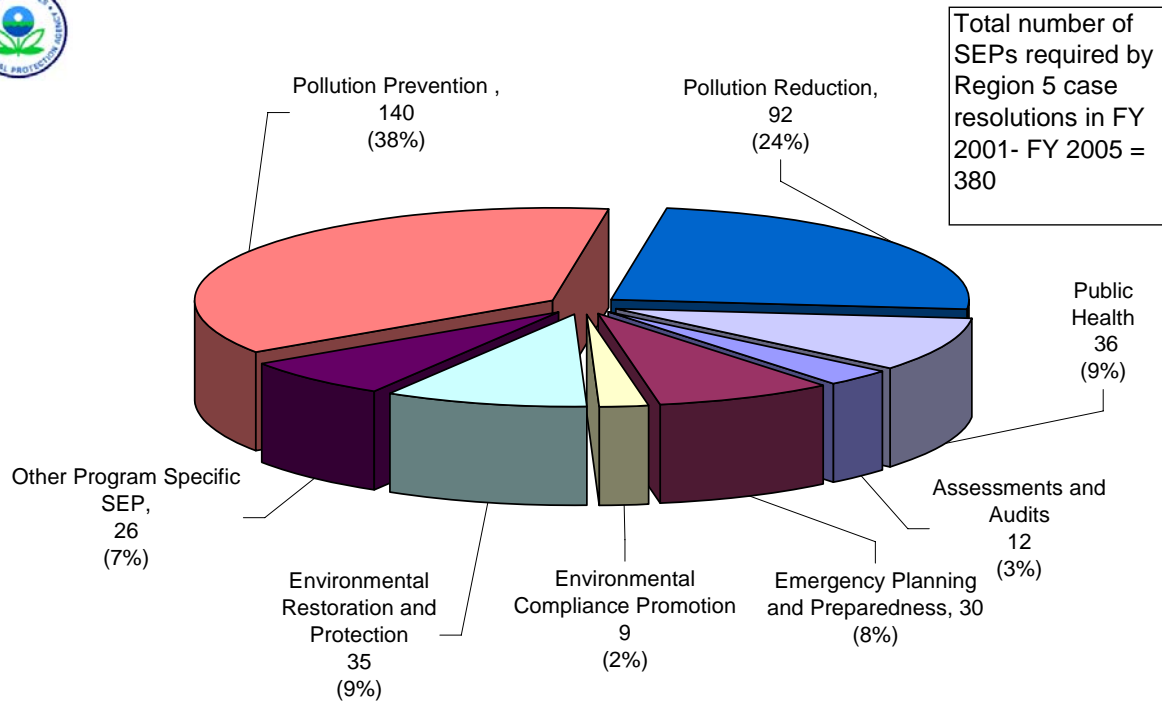
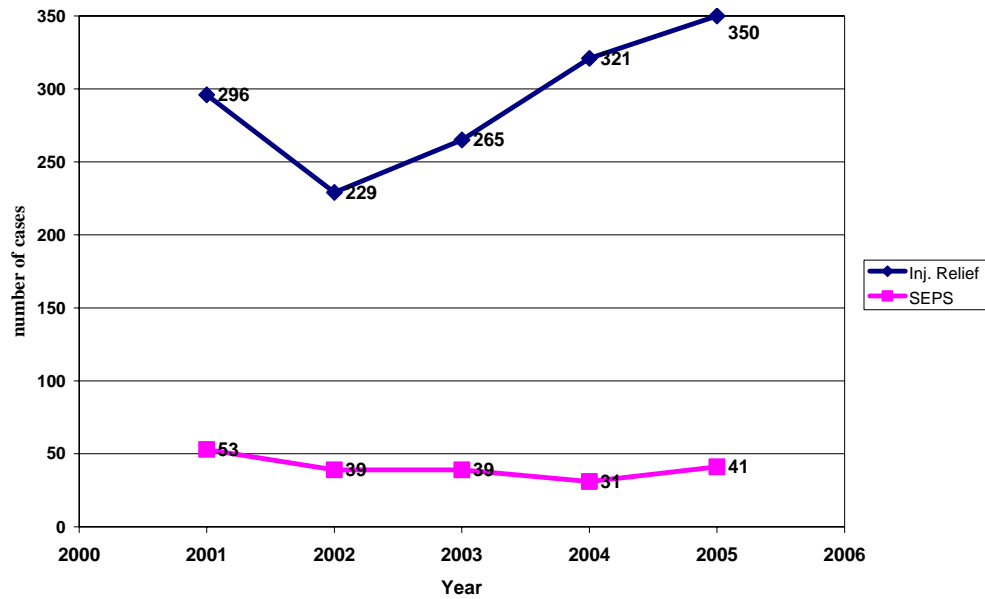
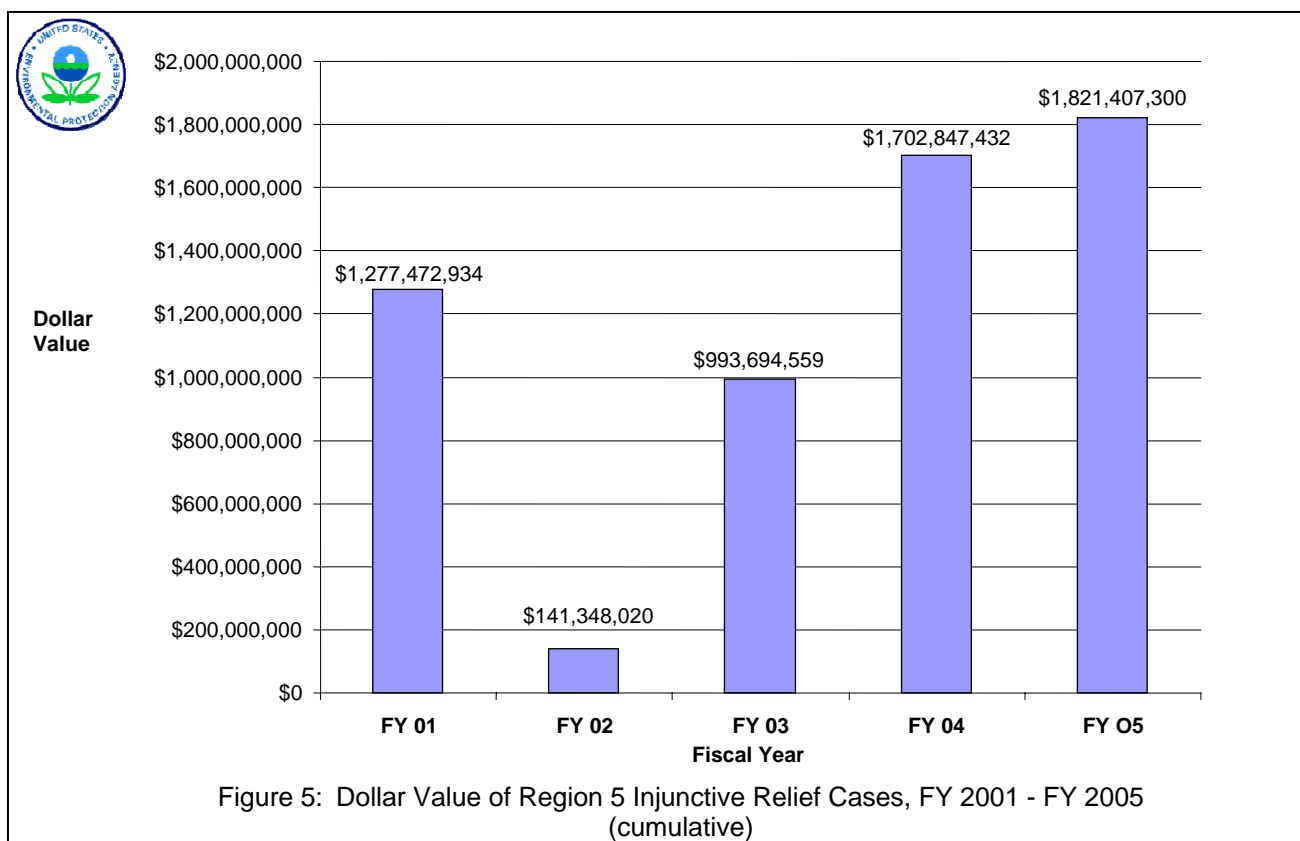


Figure 3: Region 5 SEPs by Type for FY 2001 - FY 2005 (cumulative)



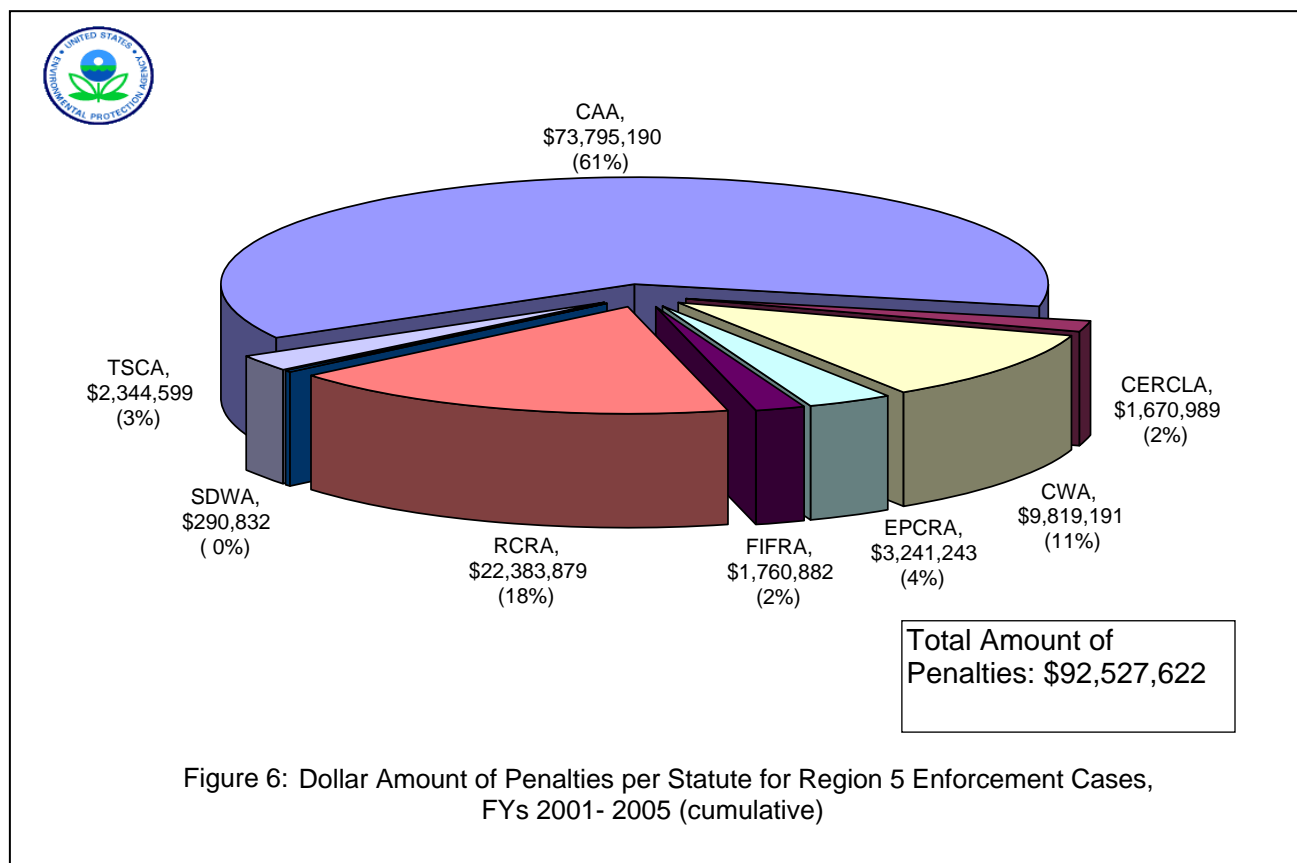
**Figure 4:** Number of Region 5 Injunctive Relief and SEP cases, FY 2001- FY 2005

Table 2: Dollar value of federal enforcement results by Region 5 for fiscal years 2001 - 2005					
	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Injunctive Relief	\$1,277,472,934	\$141,348,020	\$993,694,559	\$1,702,847,432	\$1,821,407,300
SEPs	\$23,009,465	\$11,798,233	\$11,790,997	\$6,832,800	\$18,578,750
Penalties	\$2,577,965,610	\$294,494,414	\$1,999,181,109	\$3,412,529,367	\$23,617,885



## Penalties

During FYs 2001-2005, Region 5 resolved 1,169 cases brought under 8 federal environmental statutes: the Clean Air Act (CAA), the Clean Water Act (CWA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Emergency Planning & Right to Know Act (EPCRA), the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Resource Conservation & Recovery Act (RCRA), the Safe Drinking Water Act (SDWA), and the Toxic Substances Control Act (TSCA). See Figure 6. These resolutions have assessed over \$92.5 million in civil and administrative penalties. Of the total dollars in assessed penalties, a majority of the penalties, almost 61%, were assessed under the CAA. RCRA cases and CWA enforcement cases generated the second and third largest percentages of the total at 18% and 11%, respectively. See Figure 6. Assessed penalties serve two very important functions. Penalties not only serve as a deterrent to future violations of the environmental laws, but also recoup the economic benefit the violator has gained as a result of a violation, thus leveling the playing field between complying and violating competitors.



## National Priorities

The Office of Enforcement and Compliance Assurance (OECA) establishes national priorities using three evaluation criteria: significant environmental benefit, pattern of noncompliance, and appropriate EPA responsibility. For FYs 2006-2007 there are nine National Priorities: 1) air toxics, 2) CAA new source review, 3) wet weather--confined animal feeding operations (CAFOs), 4) wet weather--combined sewer overflows (CSOs), 5) wet weather--sanitary sewer overflows (SSOs), 6) wet weather--stormwater, 7) RCRA mineral processing, 8) tribal capacity building, and 9) petroleum refineries. For each national priority, EPA has developed a performance-based strategy to achieve specific outcomes. Many of Region 5's enforcement resolutions have addressed these national priorities. See Figure 7.

More specific guidance on national priorities and the outcomes for each can be found on EPA's National Priorities for Enforcement and Compliance Assurance Web page, available at: <http://www.epa.gov/compliance/data/planning/priorities/index.html>.



Figure 7: Numbers of National Priority Cases in Region 5,  
FY 2001- FY 2005 (cumulative)

